

BRETT SHUMATE
Assistant Attorney General
RUTH ANN MUELLER
Senior Litigation Counsel
LAUREN BRYANT
JEFFREY HARTMAN
CATHERINE ROSS
ERIC SNYDERMAN
ILANA KRAMER
DANIEL CAPELLETTI
RACHEL BERMAN-VAPORIS
SHELBY WADE
JOSEPH MCCARTER
Trial Attorneys
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, *et. al.*,

Plaintiff,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, *et. al.*,

Defendants.

Case No. 3:25-cv-1766-EMC

NOTICE OF CHANGE IN MATERIAL FACTS

Judge: Hon. Edward M. Chen

NOTICE OF DECISION
No. 3:25-cv-1766-EMC

Defendants hereby provide notice to the Court of Secretary Noem's determination terminating the 2024 Designation of Temporary Protected Status (TPS) for Haiti, which was published in the Federal Register on November 28, 2025. *See* 8 U.S.C. § 1254a(3)(A)-(B). A copy of the Federal Register Notice is attached to this filing. In light of the July 15, 2025, decision in *Haitian Evangelical Clergy Ass'n v. Trump*, the TPS designation for Haiti was set to expire on February 3, 2026. Case No. 25-cv-1464, 789 F.Supp.3d 255, 276 (July 1, 2025). the TPS designation for Haiti was set to expire on February 3, 2026. The Secretary accordingly undertook periodic review of Haiti's TPS designation as required by statute and timely published her new determination, which will take effect on February 3, 2026. *Id.*

The government notes that Plaintiffs' First Amended and Supplemental Complaint challenges the legality of the Secretary's decision, announced in the July 1, 2025 notice, "Termination of the Designation of Haiti for Temporary Protected Status," which Plaintiffs assert illegally flowed from the Secretary's partial vacatur of Haiti's designation for Temporary Protected Status, announced in the February 24, 2025 notice, "Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti." *See* ECF No. 250 ¶¶ 4-9, 221-24. However, as a result of the Secretary's termination determination announced in the Federal Register Notice on November 28, 2025, which superseded the termination determination announced in the July 1, 2025 notice and extended the validity of Haitian TPS beneficiaries' documents by at least 60 days from the date of publication, no judicial redress is available for Plaintiffs' claims regarding the partial vacatur and July 1 termination. The government accordingly views Plaintiffs' challenges to the February 24 partial vacatur and the July 1 termination as moot.

Dated: December 10, 2025

Respectfully submitted,

BRETT SHUMATE
Assistant Attorney General
Civil Division
YAAKOV M. ROTH
Deputy Assistant Attorney General

RUTH ANN MUELLER
Senior Litigation Counsel

NOTICE OF DECISION
No. 3:25-cv-1766-EMC

1 ERIC SNYDERMAN
2 LAUREN BRYANT
3 JEFFREY HARTMAN
4 ILANA KRAMER
5 DANIEL CAPELLETTI
6 RACHEL BERMAN-VAPORIS
7 SHELBY WADE
8 JOSEPH MCCARTER
9 Trial Attorneys

10 /s/ Catherine Ross
11 CATHERINE ROSS
12 Trial Attorney (DC Bar 9007404)
13 U.S. Department of Justice, Civil Division
14 Office of Immigration Litigation
15 P.O. Box 868, Ben Franklin Station
16 Washington, DC 20044
17 Tel: (202) 532-4404
18 Catherine.ross@usdoj.gov

19 *Attorneys for the Defendants*
20
21
22
23
24
25
26
27